

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of Telecommunications and Energy to	:	
Establish a Surcharge to Recover Prudently Incurred Costs Associated	:	D.T.E. 03-63
with the Provision of Wireline Enhanced 911 Services, Relay Services	:	
for TDD/TYY Users, Communications Equipment Distribution for	:	
People with Disabilities, and Amplified Handsets at Pay Telephones	:	
	:	

**PETITION OF CONVERSENT COMMUNICATIONS OF
MASSACHUSETTS, LLC FOR LEAVE TO INTERVENE AS A PARTY**

Pursuant to 220 C.M.R. 16.00 et seq., and G.L. c. 159, § 12(d), Conversent Communications of Massachusetts, LLC ("Conversent") hereby petitions the Department of Telecommunications and Energy (the "Department") for leave to intervene as a party in the above proceedings, stating in support thereof the following:

1. Conversent is a competitive local exchange carrier ("CLEC") with a principal place of business at 313 Boston Post Road West, Suite 140, Marlborough, Massachusetts 01752. Conversent is a facilities-based CLEC that provides a full array of voice and data services to small and medium sized business customers throughout Massachusetts.

2. The Department has opened this docket to establish a surcharge to recover prudently incurred costs associated with the provision of wireline enhanced 911 service, relay services for TDD/TTY users, communications equipment distribution for people with disabilities, and amplified handsets at pay telephones ("E-911 Surcharge").

3. Verizon has recently back-billed Conversent in excess of \$500,000 for E-911 infrastructure charges dating back to September of 2000. Conversent does not know why Verizon has failed to provide Conversent with a timely bill for these charges. However, by failing to provide Conversent with a timely bill, Conversent is not in a position to be able to pass these charges on to its retail customers.

4. Conversent is not necessarily stating that Verizon should be forced to absorb the E-911 infrastructure charges for which it is attempting to back-bill Conversent. This is because Conversent does not know the reason why Verizon failed to provide Conversent with a timely bill. By the same token, if Verizon is permitted to back-bill Conversent for these charges it will in effect be requiring Conversent to

absorb these charges. This hardly seems fair to Conversent since it is not responsible for Verizon's untimely bill. Accordingly, the Department should not approve any back billing for E-911 charges that are more than 60-90 days past current, unless Verizon has a very compelling reason for not billing these charges when they were current.

5. In determining what may or may not be a reasonable period for back billing, the Department should consider that Conversent does not back-bill its retail customers for unbilled charges beyond a 90-day period. Even if it wanted to, Conversent couldn't back-bill for charges beyond 90 days because in a competitive environment its end-users would never stand for it. Conversent suspects that Verizon would never attempt to back-bill its retail business customers beyond 90 days either for the same reason. Accordingly, it is neither fair nor commercially reasonable for Verizon to attempt to pass on these unbilled charges to Conversent in this manner. Therefore, Conversent urges the Department to ensure that the past and future costs of E-911 services be implemented in a manner that is reasonable and competitively neutral.

6. Conversent's interest in this matter cannot be adequately addressed or represented by any other party. Consequently, Conversent's participation in this proceeding will help ensure the development of a comprehensive record, while affording Conversent the opportunity to protect its interests.

7. All communications and correspondence for this proceeding should be directed to the undersigned.

Respectfully submitted,

/s/

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